

From: [ANDERSON Jim M](#)
To: [Mark Ader/R10/USEPA/US@EPA](#); [Kristine Koch/R10/USEPA/US@EPA](#); [Chip Humphrey/R10/USEPA/US@EPA](#); [Richard Muza/R10/USEPA/US@EPA](#)
Cc: [BAYUK Dana](#); [MCCLINCY Matt](#)
Subject:
Date: 07/31/2012 02:57 PM

Mark,

Thanks for giving DEQ an opportunity to comment on EPA's Draft Action Memo for the Triangle Park site. We received the memo 7/17/12. Overall, DEQ agrees with the memo & looks forward to the cleanup work beginning at the site. We do have a number of comments, but none of the comments are "fatal flaws", & if you agree with them..., they should be pretty easy to revise in the final memo.

1. "Hot Spot" Potential Removal Action Areas" (page 6, 1st paragraph)- The memo doesn't clearly or accurately describe DEQ hot spots. Very simply & for the Triangle Park site..., DEQ previously identified 6 highly concentrated hot spots. "Highly concentrated" means contaminant concentrations in soil exceeding appropriate human carcinogenic risk-based concentrations (RBCs) by a factor of 100..., human noncarcinogenic RBCs by a factor of 10..., or population-level ecological RBCs by a factor of 10. DEQ has a preference for treatment or removal of hot spots of contamination. Soil that contains contaminants at concentrations less than hot-spot levels..., but that exceed appropriate RBCs..., are typically managed by capping &/or institutional controls.

The referenced text states *"Seventeen areas were identified in the DEQ ROD as hotspot areas planned for capping"*. For clarification, the 17 areas exceed RBCs, but not by the appropriate hot-spot multiplication factors of 10 or 100. In other words, the 17 areas pose unacceptable risk, but are not considered hot spots. We recommend revising the memo sentence quoted above to say: *"Seventeen areas are identified in the DEQ ROD as posing unacceptable risk, however, these areas are below hot-spot concentrations. Capping and institutional controls are planned for these 17 areas"*.

2. "Hot Spot" Potential Removal Action Areas" (page 6, 1st paragraph)- The referenced text states *"An additional 11 potential hotspot areas were identified and characterized as part of the UP CERCLA Removal Action investigations"*. We recommend EPA not refer to these 11 areas as *"hot spots"* unless they meet the DEQ definition of "hot spots".
3. Portland Harbor Action Level & Portland Harbor Cleanup Level (Figure 7)- DEQ suggests adding some text (perhaps 1st paragraph of Section III, page 8) explaining *"PH AL"* & *"PH CL"* in the Key in Figure 7.
4. Number of Capping Areas (Figure 8)- On page 6 of the memo, EPA states there are 17 areas planned for capping. Figure 8 shows 16 areas planned for capping. I think the missing 17th area is Area A4-5. Excavation is planned at Area A4-5, but I also think a cap will be placed after excavation & extending beyond the footprint of the excavation.
5. "DEQ ROD Excavation and Capping" (page 12)- DEQ has several comments on this paragraph:
 - a. "22 hot spots" (1st sentence)- As discussed in our 1st & 2nd comments..., DEQ identified 6 hot-spot areas..., & 17 areas that exceed RBCs, but are less than hot-spot values where capping is planned. Six plus 17 is 23, not "22".
 - b. "Five areas" (3rd sentence)- Six areas..., not *"Five areas"* will require excavation per the DEQ ROD.

- c. One additional ODEQ hot spot (last sentence)- Would you please advise us where this 1 additional “hot spot” area is?
6. Long-term groundwater monitoring (page 12)- Based on the site history, the results of the remedial investigation, groundwater sampling completed in 2007, & the current & reasonably likely future beneficial use of water at the site..., DEQ doesn’t support the need for long-term groundwater monitoring.
7. Safe Drinking Water Act (page 14)- As EPA knows, DEQ Cleanup rules allow for the consideration of current & reasonably likely future land & water uses in our cleanup decisions. DEQ completed a Beneficial Water Use Determination (BWUD) for the Triangle Park during the DEQ-overseen remedial investigation. The BWUD concluded that drinking water wasn’t a current or reasonably likely beneficial use of the water-table aquifer at the site. Therefore, DEQ did not apply tap-water RSLs (formerly PRGs) or MCLs in our 2005 ROD.
8. ARARs- Oregon Environmental Cleanup Rules (page 15)- The referenced text describes Oregon Cleanup Rules, & specifically 2 of the most important sections, OAR 340-122-0040 (Standards) & OAR 340-122-0115 (Definitions). Although the referenced text specifically describes Oregon’s acceptable risk levels, it does not describe our hot spot rules. The Action Memo text doesn’t need to describe individual sections of Oregon’s Cleanup rules, however, it’s worth noting that our hot-spot rules are an important ARAR. Although the Action Memo doesn’t describe the hot-spot rules, it appears to comply with these rules.

Jim Anderson
Manager, DEQ Portland Harbor Section
ph: 503.229.6825
fax: 503.229.6899
cell: 971.563.1434